

REMARKS

The comments of the Examiner as set forth in the official office action have been carefully studied and reviewed. In this response, claims 1, 2, 13, 17, 21, 22, 23 and 24 have been amended, and new claims 25 through 30 have been added. For the reasons set forth below, it is respectfully urged that the claims of the application define patentable subject matter and allowance is respectfully requested.

Many of the claims have been rejected under 35 U.S.C. §102(b) as being anticipated, or in the alternative rejected under 35 U.S.C. §103(a) as being obvious over McGuinness et al., U.S. Patent No. 5,791,546. However, in reviewing paragraph 2 of the office action, it appears that the rejection of claims 1-5, 11, 13-17 and 20-24 is based solely on Section 102. More particularly, it does not appear that the Patent Office has attempted to make out a prima facie case of obviousness with respect to these claims.

In any event, it is respectfully urged that the claims as originally presented are novel and not anticipated by the McGuinness reference.

In claim 1, as originally presented, the invention was defined as including a movable mechanical linkage connected between the staple gun and the cap-feeding device. Paragraph b.v. of claim 1 provided that the mechanical linkage was movable in response to the staple gun being actuated. "Actuated", as used in the claims, means that the staple gun is caused to eject a staple. In the particular embodiment illustrated herein, the staple gun is actuated by hitting or impacting the striker 20 against the surface where the staple gun is intended to penetrate. By actuating the staple gun and impacting the striker 20, the mechanical linkage referred to in claim 1, paragraphs b.iv. and b.v. is actuated and driven.

Turning to the McGuinness patent, it discloses attaching a nail gun G to the adaptor plate 100. McGuinness, col. 5, ll. 54-57 and Figure 2. The actuation of the nail gun G does not drive the linkage interconnecting the nail gun and the cap-feeding device. It is acknowledged

that pushing the nail gun G down does drive the linkage. However, pushing the nail gun G down does not actuate the nail gun. As noted above, actuation of the staple gun means that the staple gun is caused to eject, expel or fire a staple from the gun. In McGuinness, the plate 100 can be moved up and down. Up and down movement of the plate 100 will not actuate the nail gun G. That is, the movement of the linkage 104 has nothing to do with the firing or ejection of nails from the nail gun G. Indeed, a close reading of the McGuinness patent shows that the nail gun G is a pneumatically operated nail gun. McGuinness, col. 1, ll. 10-16.

Notwithstanding the above, the claims have been amended. Claim 1, for example, has been amended to recite that the staple gun portion of the claimed device is a manually actuated staple gun. In addition, paragraph b.v. of claim 1 has been amended to recite that the mechanical linkage is movable in response to the staple gun being manually actuated to cause a staple to be expelled therefrom. As noted above, the terms “actuation” or “actuate” mean that the staple gun is made or caused to eject or fire a staple. “Actuation” or “actuate” as used herein is not to be construed to mean the movement or repositioning of a staple or nail gun.

Claim 13 has also been amended to recite that the staple gun is a manually actuated staple gun. In addition, the claim has been amended to recite that the cap feeder associated with the cap feeding device is driven in response to the manual actuation of the staple gun and one portion of the staple gun moving with respect to the other portion. The nail gun G referred to in the McGuinness patent is not a manually operated staple gun and does not include one portion that moves with respect to the other portion and causes the linkage interconnecting the staple gun and the cap feeding device to be driven. Again, in the McGuinness device the actuation of the nail gun G is totally independent of the driving mechanism that feeds the caps in that case. That is, firing the McGuinness nail gun to eject a nail has no effect whatsoever on the cap feeding operation. The claims in this case, require that the cap feeder be driven in response to the manual actuation of the staple gun which results in a staple being ejected or fired from the staple gun.

Claim 17 has also been amended to recite that the staple gun is a manually actuated staple gun. In addition, paragraph b.v. of claim 17 recites a manually actuated staple gun having a main body and a striker movable with respect to the main body in response to hitting the striker against a surface. Paragraph b.v. of claim 17 calls for a linkage interconnected between the movable striker of the manually actuated staple gun and the cap feeder for driving the cap feeder towards the second position in response to the striker of the staple gun being impacted against the surface. Again, it is the actuation of the manually actuated staple gun, in the case of this claim, that drives the linkage that in turn drives the cap-feeding device.

Claim 22 is directed to a method of feeding caps from a cap feeder to a manual staple gun. Here the method entails manually actuating the staple gun by engaging a surface with the staple gun and pressing the staple gun against the surface and causing one portion of the staple gun to move with respect to another portion, and driving the cap feeder in response to one portion of the manual staple gun moving with respect to the other portion. There is no such method or arrangement in the McGuinness patent. As noted above, the actuation of the McGuinness nail gun is totally independent of driving the cap feeding mechanism. That is, pulling the trigger on the pneumatic nail gun G in McGuinness has nothing whatsoever to do with driving the cap-feeding device. That is not true with Applicant's invention described in claim 22, for example. Here the claim is to a manual staple gun that has one portion that moves with respect to another portion of the staple gun. When one portion of the staple gun moves with respect to another portion, this results in the cap-feeding device being driven or actuated.

New claims 25 through 30 depend from a number of the original claims, as amended herein. They further limit the present invention and for the same reasons discussed above, define patentable subject matter over the McGuinness patent.

For the reasons set forth above it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.



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